

### **REMARKS**

The Final Office Action mailed October 5, 2009 has been reviewed and carefully considered. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 1-14 are pending in this application. Claims 1, 7 and 13 have been amended. No new matter has been added by the amendments.

### **§103 REJECTIONS**

Claims 1-14 were rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,813,281 to Moon et al. (hereinafter Moon) in view of U.S. Patent No. 6,611,655 to Murase (hereinafter Murase). Applicant respectfully disagrees with the rejection.

Moon teaches a method for assigning a channel identification (ID) to a sub-audio data stream included in an audio data stream when each audio data stream is in a dual mode in an audio/video (A/V) stream. In particular, a method of assigning audio channel identification to audio data streams in an A/V data stream which includes two kinds of audio data streams, each of which is in a dual mono mode is discussed in Moon. Moon also discloses a method of recording /reproducing a multi-voice audio signal as dual mono audio data.

As previously argued, Moon does not involve or discuss enabling recording of a primary audio component as stereo audio components when **only** the primary audio component is contained in a signal. Moon's method of assigning audio channel IDs is provided because there are at least two kinds of audio streams being processed. That is,

in Moon it is always assumed that a sub-audio data stream is included in an audio data stream, and thus, the situation where any step of determining whether a signal only contains a primary audio component or includes a second audio component does not exist in Moon and would not be contemplated.

Indeed, the Examiner has now acknowledged on page 2 of the Office Action that Moon fails to teach the step of enabling recording of the first audio component as stereo audio components when only said first audio component is contained in said signal and it is determined that the first audio component was received as a stereo left and right audio components, essentially as claimed in independent claims 1, 7 and 13. The Examiner now cites Murase as allegedly curing the deficiencies of Moon, however, after careful review and in view of the present amendments, Applicant respectfully disagrees.

Murase relates to a readable/writable optical disc for storing an AV stream containing a video stream and at least one audio stream, and management information for managing the AV stream. The system disclosed by Murase is intended to allow information about the audio stream and audio channel to be presented to the user when a plurality of audio stream configurations is recorded for one video stream, and an audio stream to be reproduced can be automatically selected according to selection information defined by the user.

However, Murase is silent with respect to analyzing a signal to determine whether a signal includes a second audio component. Such a step would be unnecessary since Murase is merely concerned with enabling a user to select whether a first audio channel or second audio channel is reproduced when reproducing the audio channel area. *See* Col. 7, lines 35-40. Indeed, Murase recites that its AV stream has an audio stream which

already preferentially "...contains at least two of the following areas: a first area containing first audio channel data and second audio channel data, one of which is selectively reproduced; a second area containing simultaneously reproduced first audio channel data and second audio channel data; and a third area containing data for one audio channel." *See* Col. 7, lines 41-48. In Murase, a 'second audio component' is already assumed to be included in an AV stream and so there is no active step of determining whether a signal includes a second audio component, essentially as presently claimed.

Murase does not discuss and is not concerned with how a single primary audio component may be processed or recorded since it does not even contemplate such a situation. Instead, Murase focuses on addressing the issue of selecting a desired audio stream to be reproduced, and it does so primarily via the inclusion of management information recorded to the disc so that information about the audio stream and audio channel configuration can be appropriately presented to the user.

Thus, it follows that Murase fails to disclose or suggest at least enabling recording of a first audio component as stereo audio components when only said first audio component is contained in said signal and it is determined that the first audio component was received as stereo left and right audio components, essentially as claimed in claims 1, 7 and 13.

In view of all the above, it is clear that claims 1, 7 and 13 and their respective dependent claims 2-6, 8-12 and 14 are patentable and nonobvious over Moon and/or Murase for at least the above reasons. Withdrawal of the 103 rejection is respectfully requested.

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Withdrawal of all the rejections and early and favorable reconsideration of the case is respectfully requested.

**CONCLUSION**

In view of the foregoing, Applicant respectfully requests that the rejections of the claims set forth in the Final Office Action of October 5, 2009 be withdrawn, that pending Claims 1-14 be allowed, and that the case proceed to early issuance of Letters patent in due course.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 07-0832.

Respectfully submitted,

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